

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORNE EUGENE OSBORN,)	
)	
Movant,)	Case No. 1:06-cv-834
)	
v.)	Honorable Gordon J. Quist
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

ORDER GRANTING SECTION 2255 RELIEF

This matter is before the court on the motion of Lorne Eugene Osborn for relief pursuant to 28 U.S.C. § 2255. The *pro se* motion asserts that retained counsel, Kenneth E. Marks, was constitutionally ineffective for failure to perfect an appeal as requested by movant. In an affidavit filed with this court, Mr. Marks has admitted his failure in this regard, and the government has conceded that movant is entitled to relief. By report and recommendation filed June 28, 2007, Magistrate Judge Joseph G. Scoville recommended that the motion be granted and that an order enter allowing movant to take a delayed appeal as of right. The Federal Public Defender was appointed for purposes of perfecting and prosecuting an appeal of right, if and when this court granted section 2255 relief. No party has objected to the report and recommendation, and the time to do so has now expired.

This court concludes that movant is entitled to the relief requested. Accordingly:

IT IS ORDERED that the Magistrate Judge's Report and Recommendation issued on June 28, 2007 (docket no. 18), is APPROVED AND ADOPTED as the Opinion of this Court.

IT IS FURTHER ORDERED that the motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 be and hereby is GRANTED.

IT IS FURTHER ORDERED that Lorne Eugene Osborn is granted ten days from the entry of this order in which to file a notice of appeal as of right to the United States Court of Appeals for the Sixth Circuit in *United States v. Lorne Eugene Osborn*, case no. 1:03-cr-08.

Dated: July 25, 2007

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE